



CITY OF NEW BEDFORD
MASSACHUSETTS
LICENSING BOARD

A/O – 07/13/04

APPLICATION REQUIREMENTS

FOR APPROVAL OF A

MOTOR VEHICLE CLASS II (Used Car Dealer) LICENSE

Note: All Current Licenses Holders Must Be In Compliance By 12/31/04 For 2005 Renewals

- **Class II (Definition)** – A person whose principle business is the buying or selling of second hand motor vehicles, the “dealer” must be principally and substantially engaged in the business (**not part time or for occasional sales**) of buying, selling, or exchanging motor vehicles and **must maintain** a facility dedicated to carrying out said business, may be granted a used car dealer’s and **shall be subject to the following conditions:**

○ The following is required for Approval and Must Be Submitted For Renewal:

- Completed Cover Sheet
- Completed Application
- 8 ½ x 11 Sketch or Plan
- Completed Cori
- w/ Copy of Driver’s License
- \$25.00 - non-refundable application fee - Cash or Check (made out to the City of New Bedford).

• The following is required upon Final Approval and Must Be Submitted For Renewal:

- A copy of Licensee’s Articles of Organization (if a corporation) and/or a copy of a Business Certificate from the City Clerk’s Office (Room 118) if d/b/a.
- A current copy of Licensee’s Certificate of Inspection from Inspectional Services – Room 308 (Building).
- A Copy of a Irrevocable Bond in the amount of \$25,000.00 (A separate Bond is required for each location which uses a different name; On renewal, either a new original bond with the power of attorney attached or an original continuation certificate showing that ‘Licensed Year’ is covered.
- A ‘Notarized Letter’ stating where repairs will be performed to satisfy the warranty obligations imposed by section 7N.25 of M.G.L., Chapter 190.
- A fee of \$200.00 for each License granted and \$100.00 for each Annex; Cash or Check made out to the City of New Bedford (fees are not prorated by the month and there are no refunds for a returned or revoked license).
- Expiration: Licenses shall expire on **January 1st** following the date of issue unless revoked. (\$25.00 Late Renewal Fee – Lic. Bd. Reg.)

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- 1.) **Applicant:** No License shall be granted unless the Licensing Board is satisfied that said business is or will be their principle business, and said Person has available a place of business suitable for that purpose.
 - 2.) **Cori Request:** No license shall be granted unless the Licensing Board is satisfied from an investigation of the facts stated in the application and any other information, which they may require of the applicant, that person is a proper person to engage in the business specified.
 - 3.) **Premises:** The License shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business (**Changes or additions to said license must be submitted to Board for approval.**)

An applicant for **General Registration Dealer Plates** must have a facility dedicated to carrying on the dealer's business; **NOTE: Personal living quarters cannot be the site of a Class II dealer's business because the law requires a facility" dedicated to carrying out that business and that facility must be used exclusively for the dealer's business; Premises must have and maintain at all times the following:**

- A. **Business Zoned**
- B. **Outside Display Area to display cars must be Black-Topped**
- C. **A Permanent Building or Affixed Structure (Note: if repairs are to be done on premises building must be able to house one or more cars)**
- D. **Office Space separate from work area**
- E. **Restroom (s) w/ sinks**
- F. **A Permanently affixed Exterior sign & Posted Hours of operation**
- G. **All Facilities Must Meet all Building Inspectors Requirements (City & State)**
- H. **Repair space w/ MDC Traps (If Applicable) The Licensee must maintain or demonstrate access to repair facilities sufficient to enable him to satisfy the warranty obligations imposed by section 7N.25 of M.G.L. Chapter 90. A used car dealer shall remain liable for all warranty repairs made and other obligations imposed by said section 7N.25 of said chapter 90 (Notarized Letter stating where repairs will be done must be accepted and submitted yearly.)**
- I. **Used Parts – No storage on site of any used parts or old tires.**
- J. **Work Area – Work on any cars must be done in confines of the building.**
- K. **No Storage of Partial or Dismantled Vehicles.**
- L. **Required to comply with the number of cars specified on your license.**

M. All property under your control to be used as a place of sale or display of motor vehicles shall be operated and maintained in a neat, clean, and proper condition.

N. “Warranty” – No used motor vehicle shall be sold in the commonwealth by a dealer to a consumer unless accompanied by an express written warranty covering the full cost of both parts and labor necessary to repair any defect that impairs the said used motor vehicle’s safety or use (See Ch.90, sec.7N.25 for details of warranty).

O. Wholesaling of Cars is not allowed.

4.) Record Books: Every licensee shall keep a book on the licensed premises, in such form approved by the registrar, in which, at the time of the purchase, sale, exchange or receipt for the purpose of sale, of any second hand motor vehicle or parts thereof, shall be legibly written in the English language an account and description of such motor vehicle or parts, with the name and address of seller, of the purchaser, and of the alleged owner or other person from whom such motor vehicle or parts were purchased or received or to whom they were delivered, as the case may be.

5.) Investigations; Violations; Hearings; Notice & Appeal

- **Entering Premises & Investigation:** Any state police, local police, Licensing Board member or any person authorized by any said official may at any time enter upon any premises used by any person licensed under sec. 59 for the purpose of carrying on their licensed business, ascertain how they conduct the same, and examine all second hand motor vehicles or parts thereof kept or stored on the premises, and all books, papers, and inventories relating thereto.
 - **Obstruction of entrance or examination by officers; refusal to exhibit items demanded:** Any licensee, clerk, agent or other person in charge of the licensed premises who refuses to admit any authorized official or agent of said official to enter the same, or fails to exhibit to him on demand all such motor vehicles, parts thereof, and books, papers and inventories relating thereto, and any person who willfully hinders, obstructs or prevents such officer from entering the premises or from making the examination authorized in the preceding section, shall be punished by a fine of not more than \$200.00 or by imprisonment for not more than one year or both.
 - **Unlicensed Business –** Whoever, not being licensed, carries on the business for which a license is required by sec.57 or is concerned therein, or, being licensed, carries on such business or is concerned therein in any place or manner than designated in his licensee, or after notice to him that his license has been revoked or suspended, shall be punished by a fine of not less than \$200.00 and not more than \$1,000.00 or by imprisonment for not more than one year, or both.
 - **Violations:** Any complaints of violations of the provisions of M.G.L. Ch.90, 140; Rmv540CMR 18.02; City Ordinances, City or State Building Codes; or failure to comply with the rules or regulations of this Board shall be cause for a hearing with proper action taken.
 - **Revocation:** The Licensing Board shall revoke all licenses granted under this section if it appears, after hearing, that the licensee is not complying with sections 57 to 69, inclusive, or the rules and regulations made there under.
 - **Notice & Appeal:** Any person aggrieved by any action of the Licensing Board refusing to grant, or revoking a license for any cause may, within ten (10) days after such action, appeal there from to any justice of the Superior Court in the county in which the premises sought to be occupied under the licenses applied for are located.
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Please Return With New Application or With Documents For Renewal

1. 'Current' Business Certificate or Articles of Organization
2. 'Current' Certificate of Inspection (C.I.)
3. \$25, 000.00 Bond or 'Original' Continuation Certificate for 2007
4. 'Notarized' Letter Stating Where Repairs Will Be Done
5. \$200.00 Fee or \$100.00 Fee (Annex)

6. FEIN# _____

Business Name: _____
(Please Print)

Business Address: _____
(Please Print)

BUSINESS # _____ **HOME PHONE#** _____

Applicants Signature: _____ **Date:** _____

DO NOT WRITE BELOW THIS LINE:

C.I.: _____ **BOND:** _____ **ARTICLES OR BUSINESS CERTIFICATE** _____

REPAIRS: **ON PREMISE** _____ **OFF PREMISE-NOTARIZED LETTER** _____

LIC. FEE: \$200.00 CASH CHECK# _____

ANNEX FEE \$100.00 CASH CHECK# _____

NOTES: _____
